

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

REMARKS

Reconsideration and examination of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-22 were pending in the application, of which Claims 1, 5, 9, and 13 are independent. In the Office Action dated October 18, 2006, Claims 1-4 and 15-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over "CAST Bobby: Manual for Downloadable Version 2000" (hereinafter, "Bobby"), in view of U.S. Patent No. 6,002,871, issued December 1999 (hereinafter, "Duggan"), and further in view of U.S. Patent No. 6,886,115 B2, issued April 2005 (hereinafter, "Kondoh"). Claims 5-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobby in view of "xlinkit: A Consistency Checking and Smart Link Generation Service" (hereinafter, "Nentwich"), and further in view of Kondoh. Following this response, new Claims 23-24 have been added to provide claims of varying scope than those initially filed. Claims 16 and 20 have been cancelled. Claims 1-15, 17-19 and 21-24 remain in this application. Applicants hereby address the Examiner's rejections in turn.

Substance of Interview Summary

A telephonic interview occurred between the undersigned, Murrell Blackburn and Examiner Amelia L. Rutledge on Thursday, January 4, 2007. The interview covered the rejections to Claims 1-4 and 15-22 under 35 U.S.C. §103(a) as being unpatentable over "CAST Bobby: Manual for Downloadable Version 2000" (hereinafter, "Bobby"), in view of U.S. Patent No. 6,002,871, issued December 1999 (hereinafter, "Duggan"), and further in view of U.S. Patent No. 6,886,115 B2, issued April 2005 (hereinafter, "Kondoh"). Claims 5-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobby in view of "xlinkit: A Consistency Checking and Smart Link Generation Service" (hereinafter, "Nentwich"), and further in view of Kondoh.

The undersigned pointed out to the Examiner that the amended independent claims are patentably distinguishable over the cited art for at least the reason that they, for example claim 5, recite, "selected criterion involving finding outdated material, finding offensive material, detecting undesirable links, spell checking, a name change, and/or finding copyright violations," none of which involve accessibility issues.

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

The Examiner indicated that the proposed claim amendments to claims 5, 7, 9, and 10 would likely overcome the cited art of record. The Examiner also indicated that further consideration would be required for the amended limitations of claims 1 and 13. Specifically, the Examiner indicated that the arguments made by the undersigned have merit, however further examination and/or search is still required. This written response is thus, submitted in follow-up to the telephonic interview for consideration by the Examiner, as it is believed to have placed the application in condition for allowance. Should the Examiner send another Office Action based on new art, Applicants respectfully request another interview to determine what claim amendments would be sufficient for a notice of allowance.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action dated October 18, 2006, the Examiner rejected the Claims 1-4 and 15-22 under 35 U.S.C. §103(a) as being unpatentable over "CAST Bobby: Manual for Downloadable Version 2000" (hereinafter, "Bobby"), in view of U.S. Patent No. 6,002,871, issued December 1999 (hereinafter, "Duggan"), and further in view of U.S. Patent No. 6,886,115 B2, issued April 2005 (hereinafter, "Kondoh"). Claims 5-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobby in view of "xlinkit: A Consistency Checking and Smart Link Generation Service" (hereinafter, "Nentwich"), and further in view of Kondoh. Applicants respectfully traverse this rejection. Independent Claims 1, 5, 9, and 13 have been amended, and Applicants respectfully submit that the amendments overcome the rejections and add no new matter.

Claim 1

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "accepting a user selection of the selected criterion and user input of at least one parameter indicative of compliance with the selected criterion for an analysis of the hypertext document wherein the selected criterion involves finding outdated material, finding offensive material, a name change, and/or finding copyright violations." Support for the amendment can be found in the specification at least on pages 7-8, lines 31-32 and 1-5 respectively.

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

In contrast, *Bobby* at least does not disclose wherein the selected criterion involves finding outdated material, finding offensive material, a name change, and/or finding copyright violations. For example, *Bobby* specifically states “*Bobby*...will analyze Web pages for their accessibility to people with disabilities. It will also find HTML compatibility problems that prevent pages from displaying correctly on different Web browsers.” (See page 2, QuickStart) Consequently, because *Bobby* states that it only analyzes Web pages for accessibility issues, *Bobby* cannot disclose selected criterion that involves finding outdated material, finding offensive material, a name change, and/or finding copyright violations none of which involve accessibility issues as recited in amended Claim 1.

Furthermore, *Duggan* does not overcome *Bobby*’s deficiencies. *Duggan* merely discloses a testing tool for testing programs or applications for multiple users that are deployed on a server. (See Abstract.) *Duggan* discloses commands which perform a user function of the application program under test and thus, does not contemplate or suggest testing or analyzing Web pages. The logical commands in *Duggan* perform user function logical operations such as locating text in a response from an application program to analyze or test the application. This is not analogous to analyzing an HTML document without considering how a application responds to an application user function command as disclosed in *Duggan*. (See col. 20, lines 31-40). To the contrary, amended claim one recites analyzing an HTML document for compliance to selected criterion regardless of what application is involved. Responses to applications, as disclosed in *Duggan*, implicate different results based on the application involved whereas amended claim 1 recites compliance to selected criterion and is silent on responding to any application. Consequently, in *Duggan*, accepting a user selection of the selected criterion...for an analysis of the hypertext document where the selected criterion involves finding outdated material, finding offensive material, a name change, and/or finding copyright violations is not disclosed.

Combining *Bobby* with *Duggan* and *Kondoh* would not have lead to the claimed invention because *Bobby*, *Duggan*, and *Kondoh* either individually or in combination, at least do not disclose “accepting a user selection of the selected criterion...for an analysis of the hypertext document where the selected criterion involves finding outdated material, finding offensive

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

material, a name change, and/or finding copyright violations is not disclosed” as recited by amended Claim 1.

Further, there is no motivation to combine Bobby, which discloses the analysis of Web pages for accessibility issues, with Duggan, which discloses testing applications. The Action states that Bobby and Duggan are analogous art because both are testing tools for web applications. Applicants respectfully disagree and submit that an HTML Web page is not an application. Thus, it would not have been obvious to one of ordinary skill in the art at the time of the invention to apply Duggan to Bobby, because Bobby had no reason to generate test scripts and verify proper execution of user functions in order to analyze HTML Web pages for accessibility to people with disabilities. Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

Dependent Claims

Amended Claim 4 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “presenting compiled summary information based on the selected criterion about a collection of hypertext documents comprising the hypertext document and the other hypertext document thereby identifying what criterion is most problematic with the collection.” Based on claim 1 the selected criterion involves finding outdated material, finding offensive material, a name change, and/or finding copyright violations none of which implicate accessibility issues. In contrast, Bobby explicitly states that it only summarizes access errors in summary reports and thus teaches away from amended claim 4. (See Bobby, page 10, paragraph 3 under Summary Reports).

Amended Claim 15 is also patentably distinguishable over the cited art for at least the reason that it recites, for example, “copying the hypertext documents and storing the copies of the hypertext documents thereby providing a snapshot of each hypertext document at a point in time of analysis.” Although the Action acknowledges that Bobby and Duggan do not teach storing copies, the Action rejected dependent Claim 15 by stating that it would have been obvious to an ordinary skilled artisan to store copies since storing copies of hypertext documents at a point in time for later reference was a common and notoriously well known practice in the art at the time of the invention. To the contrary, Applicants respectfully submit that programs for

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

web page analysis at the time of the invention did not provide a copy of the web page. Thus, each web page had to be separately specified and tested one web page at a time.

As a result, Applicants respectfully suggest that the Action has failed to make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teaches or suggests every claim limitation. See MPEP § 2143. The Action states that Bobby discloses analyzing stored copies on a user's computer. Applicants, respectfully disagree and assert that the section of Bobby cited in support of the Action's assertion only discloses analyzing a "file" on your computer but not on the Internet. This is not a reference to copies but a reference to some URLs referencing files on the computer and some URLs referencing the Internet. (See Bobby, page 8, "Entering a URL to test", para. 1 and 2). Thus, there is nothing in the art cited by the Action that discloses "copying the hypertext documents and storing the copies of the hypertext documents thereby providing a snapshot of each hypertext document at a point in time of analysis," as recited by dependent Claim 15. Accordingly, dependent Claim 15 patentably distinguishes the present invention over the cited art, and Applicants respectfully requests withdrawal of this rejection of dependent Claim 15.

If the Examiner continues to rely on this unsupported contention, Applicants respectfully request the Examiner to provide support. See In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support evidence on which to base rejection); 37 C.F.R. § 1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position).

Amended claim 17 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "terminating the analysis in response to a predetermined number of

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

hypertext documents being analyzed independent of whether any specified link level has been reached.” The Action cites pages 8 and 9 of Bobby in support of asserting that Bobby discloses claim 17 “as specified by link level.” Applicants, respectfully submit that Bobby does not disclose terminating the analysis at a number of documents being analyzed regardless of a specified link level as recited in claim 17. (See Bobby, pages 8 and 9).

Amended Claim 18 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “storing a record of each hypertext document accessed for analysis to prevent previously accessed hypertext documents from being accessed and stored again due to being referenced by another hypertext document.” As described above with respect to amended claim 15, Bobby does not disclose analyzing stored copies of hypertext documents. Further, page 9 of Bobby “Reanalyzing pages that have changed” does not disclose preventing previously accessed documents from being accessed and stored again when referenced by another document. Bobby only discloses storing dates that pages were last modified in order to redo the analysis if the page changes in the future. These dates will not prevent access and storage again if the document is referenced by more than one hypertext document. If the document is referenced by another hypertext document, Bobby will act according to “Choosing the scope of site analysis” pages 8-9 where links are followed according to the dropdown menu options not dates of last modification.

Dependent Claims 2-4 and 15, 17-19, and 21-22 are also allowable for at least the reasons described above regarding independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-4 and 15 and 17-19, and 21-22.

Claims 5-14

Also in the Office Action, Claims 5-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobby in view of “xlinkit: A Consistency Checking and Smart Link Generation Service” (hereinafter, “Nentwich”), and further in view of Kondoh. Applicants respectfully traverse this rejection. Claims 5, 9, 13 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 5 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “selected criterion involving finding outdated material, finding offensive material, detecting undesirable links, spell checking, a name change, and/or finding

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1

copyright violations,” none of which involve accessibility issues. Amended Claim 13 includes a similar recitation. Support for the amendments can be found in the specification at least on pages 7-8, lines 31-32 and 1-5 respectively.

As described above with respect to amended Claim 1, *Bobby* specifically states “Bobby...will analyze Web pages for their accessibility to people with disabilities. (See page 2, QuickStart) Thus, because *Bobby* states that it only analyzes Web pages for accessibility issues and because *Nentwich* and *Kondoh* do not overcome *Bobby*’s deficiencies, neither *Bobby*, *Nentwich*, or *Kohdoh alone*, or in combination, disclose or suggest selected criterion as recited in amended Claim 5.

Amended claim 9 is also patentably distinguishable over the cited art for at least the reason that it recites, for example, “accepting a user selection of the selected criterion and a user input at a client terminal, the user input having a parameter indicative of compliance with the selected criterion for an analysis of the hypertext document where the parameter includes correct spelling of a word when the selected criterion involves spell checking, relevant text, sound, or figures when the selected criterion involves finding copyright violations, acceptable links when the selected criterion involves detecting undesirable links, a previous name when the selected criterion involves a name change, or updated text when the selected criterion involves outdated material.”

In contrast, as described above with respect to amended Claim 1, *Bobby* specifically states “Bobby...will analyze Web pages for their accessibility to people with disabilities. (See page 2, QuickStart) Thus, because *Bobby* states that it only analyzes Web pages for accessibility issues and because *Nentwich* and *Kondoh* do not overcome *Bobby*’s deficiencies, neither *Bobby*, *Nentwich*, or *Kohdoh alone*, or in combination, disclose or suggest the parameter as recited in amended Claim 9.

Accordingly, independent Claims 5, 9, and 13 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

Dependent Claims 6-8, 10-12, and 14 are also allowable for at least the reasons described above regarding independent Claims 5, 9, and 13. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 6-8, 10-12, and 14.

Application Serial No. 10/672,508
Attorney Docket No. 60001.0396US01/MS303915.1


Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD, L.L.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(404) 954-5100



Date: January 18, 2007

Murrell W. Blackburn
Reg. No. 50,881

